UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,334	04/02/2004	Bruce D. Hammock	02307W-131010US	1147

20350 7590 01/08/2007

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER	
KOSAR, ANDREW D	
ART UNIT	PAPER NUMBER
1654	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/817,334	HAMMOCK ET AL.	
	Examiner	Art Unit	
	Andrew D. Kosar	1654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 October 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *58,59,70 and 105-117* is/are pending in the application.

4a) Of the above claim(s) *110,115 and 117* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *58,59,70,105-109,111-114 and 116* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 April 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/25/05;10/16/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election of Group I and the species compound 87 in the reply filed on October 16, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

The restriction is still deemed proper and made FINAL.

Newly presented claims 105-117 have been included in Group I. Applicant's elected species is readable upon claims 58, 59, 70, 105-109, 111-114 and 116.

Claims 110, 115 and 117 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 16, 2006.

During the course of examination, additional species readable upon the claims were identified and thus have been included in the rejections below.

Information Disclosure Statement

Applicant's IDS submissions of April 25, 2005 and October 16, 2006 are acknowledged. It is noted that US Patent 6,351,506 B2 is titled "Switched Capacitor Filter Circuit...", and it appears Applicant intended 6,531,506 B1, which has been cited by the examiner on the PTO-892.

Further, the information disclosure statement filed October 16, 2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other

information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Specifically, references 1 and 2 have not been provided.

Drawings

The drawings are objected to because Figures 3 and 12 are dark and thus one cannot discern the details of the image. Applicant is referred to the PGPUB of the instant application for review (US 2005/0026844 A1).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

The specification is not in compliance with 37 CFR § 1.58 (a) which states, "The specification, including the claims, may contain chemical and mathematical formulae, but shall not contain drawings or flow diagrams. The description portion of the specification may contain tables, but the same tables may only be included in both the drawings and description portion of the specification if the application was filed under 35 U.S.C. 371. Claims may contain tables either if necessary to conform to 35 U.S.C. 112 or if otherwise found to be desirable."

Specifically, pages 30-33 of the instant disclosure include schemes.

As such, Applicant is required to furnish a drawing under 37 CFR § 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Appropriate correction is required.

Please note, the lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 107-109 and 114 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 107-109 lack clear antecedent basis, as they are each multiply dependent, depending from 58 or 59, however claim 58 does not provide antecedent support for naphthyl or phenyl, and thus the claims are indefinite.

Claim 114 is indefinite because it makes reference to Tables in the specification. MPEP 2173.05(s) states that, "Where possible, claims are to be complete in themselves. Incorporation by reference to a specific figure or table "is permitted only in exceptional circumstances where there is no practical way to define the invention in words and where it is more concise to incorporate by reference than duplicating a drawing or table into the claim. Incorporation by reference is a necessity doctrine, not for applicant's convenience." *Ex parte Fressola*, 27 USPQ2d 1608, 1609 (Bd. Pat. App. & Inter. 1993) (citations omitted).

Reference characters corresponding to elements recited in the detailed description and the drawings may be used in conjunction with the recitation of the same element or group of elements in the claims. See MPEP § 608.01(m)."

In the instant case, the claims that reference Tables 1-18 do not meet the criteria set forth by MPEP 2173.05(s), as the incorporation creates ambiguity in the claims. For example, Tables 16 and 18 of the instant specification do not recite any compounds. Further, additional

limitations for the tables are present in the text, but not specifically in the Tables generating sufficient confusion in identifying the claimed subject matter.

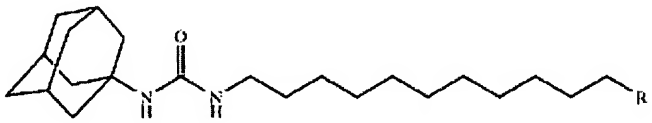
Furthermore, claim 14 lacks clear antecedent basis and are indefinite, as Table 2 and 11 recite compounds that do not have "at least one of n or m is 1", as required by the instant claims. Here, the compounds are essentially R^1-P^1-L^1-L^2, where $L^{1 \text{ and } 2}$ are each alkylene.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

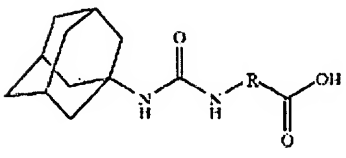
> A person shall be entitled to a patent unless –
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

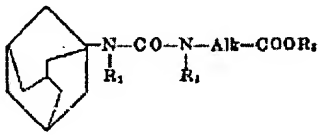
Claims 58, 59, 105-109, 111-114 and 116 are rejected under 35 U.S.C. 102(a) as being anticipated by MORISSEAU (C. Morisseau et al. Biochem. Pharm. (2002) 63, page 1599-1608).

The instant claims are drawn generally to inhibitors of soluble epoxide hydrolases, including the elected species  , where R is COOH, and pharmaceutical compositions thereof.

Morisseau teaches the species as compound 43 (Table 5, page 1605).

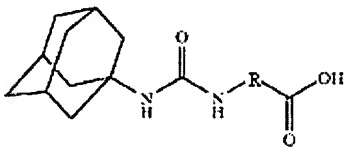
Claims 58, 59, 105-109, 111-113 are rejected under 35 U.S.C. 102(a) as being anticipated by RICHTER (US Patent 3,703,537).

The instant claims are presented *supra*. The claims embrace embodiments such as  , where R is C_4-C_{12} alkylene and the caroboxylic esters thereof.

Richter teaches antiviral compounds N(1-adamantyl)-N'-[10-carboxydecyl(-1)]urea (Example II, column 5), and the esters N(1-adamantyl)-N'-[10-carbethoxydecyl(-1)]urea (example XIX, column 9) and Ad-NH-C(O)-NH-$(CH_2)_3$C(O)O-Et (Table, column 4). It is noted that the esters, e.g. Ad-NH-C(O)-NH-$(CH_2)_3$C(O)O-Et, can read upon the claims as Ad is R^1, urea is P^1, L^1 is propyl (or decyl), P^2 is C(O)O and L^2 is ethyl. Richer further teaches the compounds are of the generic formula  , where $R_{1 \text{ and } 2}$ are H or alkyl and R_3 is H or an ester (Abstract) and where Alk is 1 to 10 carbons.

Richter additionally teaches that the antivirals may be used alone or in combination with other therapeutically active agents and, accordingly, they are valuable adjuncts in the antiviral field." (column 1, lines 42-45).

Claims 58, 59, 105-109 and 111-113 are rejected under 35 U.S.C. 102(b) as being anticipated by CAS Accession number 71:18417 (compounds entered STN 11/16/1984, see supporting document).

CAS accession number 71:18417 teaches compounds  , where R is 1, 2, 5 and 10 (CAS Registry numbers 33200-18-9, 33205-70-8, 33205-71-9 and 33200-19-0, respectively) (pages 1 and 2).

Claims 58, 59, 105-109 and 111-114 are rejected under 35 U.S.C. 102(a) as being anticipated by KROETZ (US Patent 6,531,506 B1).

The instant claims are presented *supra*.

Kroetz teaches numerous compounds which anticipate the instant claims, including compounds 297 and 125 (Table 1, columns 13-14; instant compound 425 is identified as 125 in Kroetz), which are found in instant Table 13 (page 67). Kroetz teaches pharmaceutical of the compounds are formulated with carriers or excipients and provides various examples of such formulations (column 43, line 36- column 45, line 10).

Claims 58, 59, 105-109 and 111-114 are rejected under 35 U.S.C. 102(e) as being anticipated by KROETZ(I) (US 2004/0092487 A1).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

The instant claims are presented *supra.*

Kroetz(I) teaches numerous compounds which anticipate the instant claims, including compounds 297 and 425 (Table 1, page 8), which are found in instant Table 13 (page 67). Kroetz(I) teaches pharmaceutical of the compounds are formulated with carriers or excipients and provides various examples of such formulations (page 23, ¶ 0056 to ¶ 0066).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 58, 59, 70, 105-109, 111-114 and 116 are rejected under 35 U.S.C. 103(a) as being unpatentable over MORISSEAU, as applied to claims 58, 59, 105-109, 111-114 and 116, *supra*, and **Claims 58, 59, 70, 105-109 and 111-114** are rejected under 35 U.S.C. 103(a) as being unpatentable over RICHTER, as applied to claims 58, 59, 105-109, 111-114, *supra*, each in view of BROCCHINI (US Patent 5,877,224).

The instant claims are further drawn to a pharmaceutical composition.

The teachings of Morisseau and Richter are presented *supra*. Morisseau and Richter are discussed together, as they each require the additional element of the pharmaceutical excipient.

Brocchini teaches, "Acceptable carriers or diluents for therapeutic use are well known in the pharmaceutical field, and are described, for example, in Remington's Pharmaceutical Sciences, Mack Publishing Co., (A. R. Gennaro edit. 1985). Such materials are nontoxic to the recipients at the dosages and concentrations employed, and include buffers such as phosphate, citrate, acetate and other organic acid salts, antioxidants such as ascorbic acid, low molecular weight (less than about ten residues) peptides such as polyarginine, proteins, such as serum albumin, gelatin, or immunoglobulins, hydrophilic polymers such as poly(vinylpyrrolidinone), amino acids such as glycine, glutamic acid, aspartic acid, or arginine, monosaccharides, disaccharides, and other carbohydrates including cellulose or its derivatives, glucose, mannose or

dextrins, chelating agents such as EDTA, sugar alcohols such as mannitol or sorbitol, counterions such as sodium and/or nonionic surfactants such as Tween, Pluronics or polyethyleneglycol." (column 12, line 53 to column 13, line 3).

The difference between the instant claims and the teachings of Morisseau or Richter, is that while Morisseau and Richter teach adamantyl compounds that can be used therapeutically, they are not disclosed as being in a pharmaceutical composition.

It would have been obvious to have formulated the compound of Morisseau or Richter with a pharmaceutical excipient in order to make a composition that could be administered *in vivo*.

One would have been motivated to have made the pharmaceutical composition with an excipient so that one could further determine the biological efficacy of the adamantyl compounds.

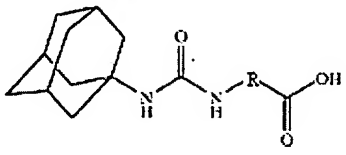
One would have had a reasonable expectation for success in making the compounds in a pharmaceutical composition with an excipient because, as Brocchini teaches, acceptable carriers and diluents are well known in the art, and combining an active principle with an excipient is a technique widely practiced in the formulary arts.

Claims 58, 59, 70, 105-109, 111-114 and 116 are ejected under 35 U.S.C. 103(a) as being unpatentable over RICHTER in view of Brocchini, as applied to claims 58, 59, 70, 105-109 and 111-114, *supra*, in further view of ABDULLA (US Patent 4,252,954).

The claims are presented *supra*.

Abdulla teaches antiviral adamantyl compounds and pharmaceutical compositions thereof. Abdulla teaches that the pharmaceutical compositions are formed by mixing the

compound with an excipient, providing various routes of administration, e.g. oral, mixed with starch, lubricating agents, wetting agents, etc. and pressed into tablets among other routes of administration (column 16, lines 15-65).

The difference between the instant claims and the teachings of Richter, is that while Richter teaches the compounds  with R generically being an alkyl chain and more specifically being an alkyl chain of 1-10 (R=1 to 10 carbons), and embodiments therein, Richter does not teach R=11 carbon species, the instantly claimed species.

It would have been obvious to have made any R=alkyl species, including the R=11 carbon species, in order to make an antiviral adamantly urea derivative, as Richter teaches that any alkyl group may be placed as R.

One would have been motivated to have made the compounds, including the R=11 species, as Richter teaches broadly that R can be any alkyl, and provides more specifically R is 1-10 carbon atoms and provides examples therein, e.g. R=10 carbon.

Further, the MPEP states that, "In fact, similar properties may normally be presumed when compounds are very close in structure. *Dillon*, 919 F.2d at 693, 696, 16 USPQ2d at 1901, 1904. *See also In re Grabiak*, 769 F.2d 729, 731, 226 USPQ 870, 871 (Fed. Cir. 1985) ("When chemical compounds have very close' structural similarities and similar utilities, without more a *prima facie* case may be made.")" (MPEP § 2144.08). Here, because the instantly claimed compounds are so close in structure to the antivirals disclosed by Richter, differing by one carbon in the claimed compound in instant claim 116, and are embraced by the genus of Richter, the instantly claimed compounds would be expected to have similar properties with the

compounds of Richter, and thus one would have been motivated to have made the compound with R=11 carbons.

One would have had a reasonable expectation for success in making the antiviral adamantly urea compounds, including the R=11 carbon, with antiviral activity, as Richter teaches that any adamantyl urea embraced by the genus would have antiviral activity, and provides examples therein, and Abdulla teaches various adamantyl compounds are known as antivirals, where it is shown that the adamantyl group confers the antiviral activity.

From the teachings of the references, it is apparent that one of ordinary skill in the art would have had a reasonable expectation of success in producing the claimed invention. Therefore, the invention as a whole was *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, as evidenced by the references, especially in the absence of evidence to the contrary.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 58, 59, 70, 105-109, 111-114 and 116 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 and 28-60 of copending Application No. 11/256,685 (claims of 3/3/06). Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of both applications are drawn to overlapping generic claims of compounds and pharmaceutical compositions, wherein 11/256,685 additionally provides for a method of using the compounds. In looking to the specification for the compounds that provide support for the claims, compound 687 is found in Table 17. Additionally, other species within Application 11/256,685 which also provide support for the claims are found within the tables and claimed, e.g. claim 28 identifies the compounds of Table 18, which anticipate the instant claims, e.g. compound 1011.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 58, 59, 70, 105-109 and 111-114 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 14-18, 21-23, 26-34 and 37-45 of copending Application No. 10/694,641 (claim set of 6/13/06). Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of 10/694,641 are drawn to methods of using compounds/pharmaceutical compositions which overlap with the instantly claimed compounds, and in practicing the methods, one would necessarily be in possession of the compounds and pharmaceuticals. In looking to the specification to determine which compounds embraced by the genus are capable of being used in

the methods, such as the compounds of Table 1, e.g. 297, 425, 276, 515, 381, 157, 143, 181, 168 and 283, which anticipate the instant claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 58, 59, 70, 105-109 and 111-114 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,531,506 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of 6,531,506 B1 are drawn to methods of using compounds which overlap in scope with the instantly claimed products, and in practicing the method, one would necessarily be in possession of the compound and pharmaceutical composition. In looking to the specification of 6,531,506 B1 for the compounds that provide support for the claims, instant compounds 297 and 425 are found within Table 1 (column 13-14).

Claims 58, 59, 70, 105-109, 111-114 and 116 are directed to an invention not patentably distinct from claims 1-24 and 28-60 of commonly assigned copending Application No. 11/256,685 for the reasons set forth above.

Claims 58, 59, 70, 105-109 and 111-114 are directed to an invention not patentably distinct from claims 1-11 of commonly assigned U.S. Patent No. 6,531,506 B1 and/or claims 14-18, 21-23, 26-34 and 37-45 of commonly assigned copending Application No. 10/694,641 for the reasons set forth above.

The examiner has identified two copending Applications and one issued Patent which have been relied upon in rejections under Double Patenting above. Because of Applicant's prolific Patent and Application portfolio, the burden is shifted to Applicant to identify all relevant Applications and Patents and to include said Applications and Patents on any terminal disclaimer filed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. KRICHELDORF (H.R. Kricheldorf et al. Die Angewandte Markromoleculare Chemie (1975) 45(667), page 119-137) and US Patents 5,273,982 and 5,314,902 teach compounds embraced by the instant claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew D. Kosar whose telephone number is (571)272-0913. The examiner can normally be reached on Monday - Friday 08:00 - 16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia J. Tsang can be reached on (571)272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew D. Kosar, Ph.D. 12/23/06
Patent Examiner
Art Unit 1654